

*IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**JOT E. RAYMOND,
BRENDA G. RAYMOND,**

Case No. 3:14-BK-32887-SHB
Chapter 7

Debtors.

TRUSTEE'S APPLICATION TO EMPLOY REAL ESTATE SALES AGENT

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to E. D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at Howard H. Baker, Jr. U.S. Courthouse, 800 Market Street, Suite 330, Knoxville, TN 37902, an objection within 21 days from the date this paper was filed and serve a copy on the movants' attorney, Michael H. Fitzpatrick, Esquire, Quist, Cone & Fisher, PLLC, 2121 First Tennessee Plaza, Knoxville, TN 37929-9711, or mhf@qcflaw.com. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Comes Michael H. Fitzpatrick, Trustee, pursuant to 11 U.S.C. §327(a) and Fed. R. Bankr. P. 2014 and 6005, and E.D. Tenn. LBR 9013-1(h)(1)(xiv), and moves the Court for authority to employ a Real Estate Sales Agent for the sale of certain real property of this estate. The following is submitted in support of the Trustee's application:

1. That The debtors filed this case on September 8, 2014 and Michael H. Fitzpatrick is the duly appointed and qualified Trustee in this case.
2. That he desires to sell, at private sale, the real property of the debtors and co-owner Mr. Alvin Melson located at and generally known as 591 Half Moon Road and 599 Half Moon Road, Tennessee.

3. That he has the authority, under 11 U.S.C. §327(a) and Fed. R. Bankr. P. 2014 and 6005 to employ a sales agent with the Court's approval.

4. That he desires to employ Mr. Mark Lane, Ms. Darlene Taylor and their employer Coldwell Banker Wallace & Wallace Realtors as said sales agents. To the best of the applicant's knowledge, the proposed agents have no connection with the debtor, creditors, or any other party in interest, their respective attorneys and accountants except that they previously listed the property for the debtors and Mr. Melson. No offers were received during the listing and none are pending. Further the Trustee believes said sales agent to be a disinterested person under the provisions of 11 U.S.C. §101(14). There is no application for a post-petition retainer. There are no actual or potential conflicts of interest. There are no other facts which would preclude retention of the agents.

5. The Trustee proposes to employ Mr. Mark Lane, Ms. Darlene Taylor and Coldwell Banker Wallace & Wallace Realtors for a commission fee of 6% of the gross sales receipts from the sale of the above described improved real property to be paid at closing upon proper application and notice for any sale. The amount of the commission will be disclosed in any motion to sell or notice of sale.

WHEREFORE, the undersigned Trustee requests the Court's approval to employ Mr. Mark Lane, Ms. Darlene Taylor and Coldwell Banker Wallace & Wallace Realtors, upon the terms and conditions stated above nunc pro tunc to the filing of this application.

DATED: November 4, 2015

Respectfully submitted,
/s/ Michael H. Fitzpatrick
Michael H. Fitzpatrick, Esquire
BPR No. 006033
QUIST, CONE & FISHER, PLLC
2121 First Tennessee Plaza

800 South Gay Street
Knoxville, TN 37929-9711
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Application to Employ Real Estate Sales Agent, Affidavit and Order have been served upon the indicated parties by placing a copy thereof, in the U.S. Mail first class postage prepaid, via email or ECF this November 4, 2015:

Creditors on the attached mailing list

Mr. Alvin Melson
2042 Kingston Hwy.
Kingston, TN 37763

/s/ Michael H. Fitzpatrick
Attorney